

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

TIMOTHY ANDREW PRISKA,	)	
	)	
Petitioner,	)	
	)	1:22-cv-729
v.	)	1:19-cr-42-1
	)	
UNITED STATES OF AMERICA,	)	
	)	
Respondent.	)	

**ORDER**

On September 13, 2022, the United States Magistrate Judge's Order and Recommendation ("Recommendation") was filed and notice was served on the parties pursuant to 28 U.S.C. § 636. (Docs. 31, 32.) No objections were filed within the time limits prescribed by Section 636.

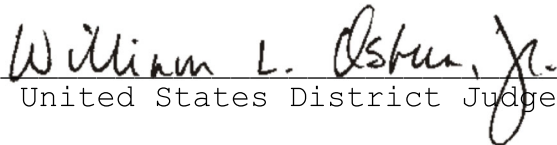
Therefore, the court need not make a de novo review and the Magistrate Judge's Recommendation is hereby adopted.

**IT IS TEREFORE ORDERED** that the Magistrate Judge's Recommendation, (Doc. 31), is **ADOPTED. IT IS FURTHER ORDERED** that Petitioner's filing treated as a Motion under 28 U.S.C. § 2255 to Vacate, Set Aside, or Correct Sentence (Doc. 30) is **DENIED**, and that this action is hereby, **DIMISSED WITHOUT PREJUDICE** to Petitioner promptly filing a corrected motion on the proper § 2255 forms. The court further finds there is no substantial showing of the denial of a constitutional right

affecting the conviction nor a debatable procedure ruling,  
therefore a certificate of appealability is not issued.

A Judgment dismissing this action will be filed  
contemporaneously herewith.

This the 6th day of June, 2023.

  
United States District Judge